

March 1, 2000

BANGOR HYDRO-ELECTRIC COMPANY
Request for Waiver of Requirements
of Chapters 305, 322 and 323

ORDER GRANTING
WAIVERS

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

I. SUMMARY

In this Order, we grant Bangor Hydro-Electric's (BHE) request for waivers of certain provisions of Chapters 305 and 323 of our rules.

II. BACKGROUND

On February 2, 2000, BHE filed a request for waivers from several provisions of our restructuring rules. These requests result from BHE's inability to utilize certain billing system functionalities when retail access begins on March 1, 2000. Specifically, BHE requests waivers from the following provisions of our rules:

- Chapter 305 § 4(H)(1) and (4): Generation Service Bill Contents
- Chapter 323: Use of Electronic Data Interchange (EDI)¹

A. Generation Service Bill Contents

BHE states that it will not be able to implement its new bill print routine at the beginning of retail access. This routine is necessary to comply with the bill content and format provisions of Chapter 305. However, BHE states that it can continue to implement the current illustrative billing format which prints a line item for supplier charges (including the supplier's name), with one single sales tax line for the entire bill. Using this approach, BHE will be unable to print supplier charges on a separate page or make such charges appear on a different section of the bill as required by Chapter 305 § (H)(4). Instead, the appearance of the supplier charges will be as they

¹ BHE's February 2nd filing also requested a waiver of the rule governing the allocation of partial payments under consolidated utility billing (Chapter 322 § 6(C)(2)). During a telephone discussion, BHE explained that its system modifications will not be able to allocate partial payments from customers on a payment plan according to the provisions of Chapter 322. However, BHE stated that by allocating such payments manually, it would be able to comply with the rule. Accordingly, BHE agreed that a waiver of Chapter 322 is not necessary.

are now on the illustrative bills (except that the supplier's name will be included). Additionally, BHE will not be able to include the following items on its bills as required by Chapter 305 § 4(H)(1): a separate charge for total generation service, cents per kWh charge for generation service, amount of payment applied to the generation service outstanding balance, total amount of arrears on the generation service account, and the total amount owed on the generation service account (current charges and arrears).

B. Electronic Data Interchange

BHE states that it will not have the capability to pass EDI transactions into and out of its customer information and billing systems by the beginning of retail access. BHE explains that it has been working with a vendor to extensively modify its billing and information systems to accommodate the necessary additional information and transactions required by EDI, but the modifications cannot be implemented by March 1, 2000. BHE states that it will be able to use its existing billing system, coupled with extensive manual work-arounds, to perform the necessary restructuring business transactions.

III. DECISION

Both Chapter 305 (section 5) and Chapter 323 (section 3) allow the Commission, upon the request of any person, to waive for good cause any requirements of the Chapters not required by statute. We are aware that the programming of utility computer systems to allow for retail access has involved substantial effort and resources. Despite its efforts, BHE's request for waivers indicates that all its systems will simply not be ready in time. However, BHE has developed back-up mechanisms to allow retail access to begin on March 1, 2000 as required by law. BHE has also indicated that its waiver requests are temporary and that it anticipates that by mid-year 2000 it will no longer need the waivers.

Because the requested waivers are, at this point, unavoidable, and are temporary in nature, we grant the waivers. The waivers are effective until June 30, 2000.

Dated at Augusta, Maine, this 1st day of March, 2000.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Nugent
 Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Civil Procedure, Rule 73, et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.